

**438.315 Sales of tobacco products, alternative nicotine products, or vapor products to or purchases by persons under age 21 from vending machine prohibited -- Location of vending machine -- Penalty -- Issuance of uniform citation.**

- (1) The sale of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of twenty-one (21) years.
- (2) The purchase of tobacco products, alternative nicotine products, or vapor products dispensed through a vending machine is prohibited to any person under the age of twenty-one (21) years.
- (3) Except for vending machines located in factories or vending machines located in bars or taverns to which minors are not permitted access, any vending machine from which tobacco products, alternative nicotine products, or vapor products are dispensed shall be located in the line of sight of the cashier for the retail establishment.
- (4) Any owner of a retail establishment violating this section shall be subject to a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each violation. The fine shall be administered by the Department of Alcoholic Beverage Control using a civil enforcement procedure for persons eighteen (18) years of age or older.
- (5) All peace officers with general law enforcement authority and employees of the Department of Alcoholic Beverage Control may issue a uniform citation, but may not make an arrest, or take a child into custody, for a violation of this section.

**Effective:** March 26, 2020

**History:** Amended 2020 Ky. Acts ch. 35, sec. 5, effective March 26, 2020. -- Amended 2014 Ky. Acts ch. 111, sec. 5, effective April 10, 2014. -- Amended 2010 Ky. Acts ch. 24, sec. 1928, effective July 15, 2010. -- Amended 2000 Ky. Acts ch. 423, sec. 5, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 477, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 38, sec. 6, effective March 5, 1996. -- Created 1994 Ky. Acts ch. 480, sec. 3, effective July 15, 1994.